

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>ARISTA RECORDS, L.L.C., et al.,</b>	:	<b>Case No. 1:07CV2828</b>
	:	
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	<b>JUDGE KATHLEEN M. O'MALLEY</b>
	:	
<b>DOES 1-11,</b>	:	<b><u>ORDER</u></b>
	:	
	:	
<b>Defendants.</b>	:	

The Plaintiffs served a subpoena on non-party Case Western Reserve University (“CWRU”) seeking the identity of Defendant John Doe #9 (“Doe #9”), who was a user of Internet services provided by CWRU. (Doc. 5.) Doe #9 moved to quash this subpoena (Doc. 6) (“Motion to Quash”), Plaintiffs filed a brief in opposition to this motion (Doc. 8), and Doe #9 filed a reply brief in support of the Motion to Quash (Doc. 10.). This Court referred the matter to Magistrate Judge William H. Baughman, Jr. for preparation of a Report and Recommendation (“R&R”) pursuant to Local Rule 72.1 and 28 U.S.C. § 636. The Magistrate Judge then submitted his R&R on September 8, 2008, recommending that the Motion to Quash be denied. (Doc. 19.) No party, including Doe #9, has objected to this portion of the Magistrate Judge’s R&R.<sup>1</sup>

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<sup>1</sup> In his R&R, the Magistrate Judge also considered a separate motion to dismiss for improper joinder. (See Doc. 16.) The parties have filed objections to this portion of the R&R, but those motions are not yet ripe and will be addressed in a subsequent Order by the Court. (Doc 19, 20.)

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R as it pertains to Doe #9's Motion to Quash (Doc. 6). *See* Fed. R. Civ. P. 72(a) ("A party may not assign as error a defect in the order not timely objected to."). Doe #9's Motion to Quash is **DENIED**.

**IT IS SO ORDERED.**

**Dated: September 30, 2008**

s/Kathleen M. O'Malley  
**KATHLEEN MCDONALD O'MALLEY**  
**UNITED STATES DISTRICT JUDGE**